

Substitute Senate Bill No. 229

Senate, March 23, 1998. The Committee on Planning and Development reported through SEN. COLEMAN, 2nd DIST., Chairman of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING NEIGHBORHOOD REVITALIZATION ZONES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 7-602 of the general  
2 statutes is repealed and the following is  
3 substituted in lieu thereof:

4 (a) The strategic plan shall not be  
5 implemented unless approved by ordinance of the  
6 legislative body of the municipality. Such  
7 ordinance shall create a neighborhood  
8 revitalization zone committee for the neighborhood  
9 and establish the [powers and] membership of the  
10 committee, provided the categories of membership  
11 shall be consistent with the categories of  
12 membership of the neighborhood revitalization  
13 planning committee AND SHALL BE MADE WITH DUE  
14 REGARD TO ANY RECOMMENDATIONS OF THE NEIGHBORHOOD  
15 REVITALIZATION ZONE PLANNING COMMITTEE.

16 (b) The neighborhood revitalization zone  
17 committee shall submit a report on THE  
18 implementation of the strategic plan to the chief  
19 executive official and the legislative body of the  
20 municipality and to the Secretary of the Office of  
21 Policy and Management at intervals of six months  
22 in the first year after adoption of the ordinance

23 and annually thereafter. ANY AMENDMENT TO THE  
24 STRATEGIC PLAN MADE SUBSEQUENT TO THE DATE OF  
25 ENACTMENT OF THE ORDINANCE SHALL BE ADOPTED BY THE  
26 NEIGHBORHOOD REVITALIZATION ZONE COMMITTEE AND THE  
27 MUNICIPALITY IN ACCORDANCE WITH THE PROCEDURES SET  
28 FORTH IN SUBSECTIONS (c) AND (d) OF SECTION 7-601  
29 AND SHALL BE SUBMITTED TO THE SECRETARY OF THE  
30 OFFICE OF POLICY AND MANAGEMENT FOR REVIEW. AFTER  
31 THE DATE OF APPROVAL OF THE AMENDMENT BY THE  
32 LEGISLATIVE BODY OF THE MUNICIPALITY, ANY REPORT  
33 REQUIRED TO BE MADE PURSUANT TO THIS SECTION SHALL  
34 INCLUDE INFORMATION CONCERNING THE AMENDMENT. FOR  
35 PURPOSES OF THIS SECTION, AN AMENDMENT TO A  
36 STRATEGIC PLAN SHALL BE DEEMED TO BE A CONCEPT OR  
37 PROPOSAL NOT REFLECTED WITHIN THE SCOPE OF THE  
38 PLAN AS ORIGINALLY ADOPTED BY ORDINANCE OF THE  
39 MUNICIPALITY.

40 Sec. 2. Section 7-605 of the general statutes  
41 is repealed and the following is substituted in  
42 lieu thereof:

43 (a) [Any municipality with] AFTER ENACTING A  
44 RESOLUTION ESTABLISHING a neighborhood  
45 revitalization zone, [program] A MUNICIPALITY may  
46 establish a process to request that a state or  
47 local official waive the application of any  
48 provision of state and local environmental, health  
49 and safety codes and regulations that unreasonably  
50 jeopardize implementation of a strategic plan  
51 adopted under section 7-602, except a provision  
52 necessary to comply with federal law. Any waiver  
53 shall not create a substantial threat to the  
54 environment, public health, safety or welfare of  
55 the residents and occupants of the neighborhood.  
56 Any request for a waiver shall IDENTIFY THE STATE  
57 OR LOCAL CODE OR REGULATION FOR WHICH THE WAIVER  
58 IS SOUGHT AND SHALL include [requirements]  
59 RECOMMENDATIONS for alternate [measures]  
60 REQUIREMENTS to replace the standard being waived  
61 in the existing code or regulation.

62 (b) A neighborhood revitalization zone  
63 committee may determine, by a majority vote of the  
64 members present at a meeting scheduled for such  
65 purpose and conducted within the boundaries of the  
66 zone, if practical, that a provision of a state or  
67 local environmental, health [and] OR safety code  
68 or regulation jeopardizes implementation of the  
69 STRATEGIC plan and may request a waiver of such  
70 provision, PROVIDED SUCH REQUEST COMPLIES WITH

71 SUBSECTION (a) OF THIS SECTION. The committee  
72 shall [provide notice of its decision] FORWARD  
73 SUCH WAIVER REQUEST to the chief executive  
74 official of the municipality. Within five business  
75 days of receipt of the [notice] REQUEST, the chief  
76 executive official shall forward a copy [of the  
77 decision] THEREOF to the local official  
78 responsible for code enforcement, if any, and to  
79 the Secretary of the Office of Policy and  
80 Management. [who] IF THE REQUEST IS FOR WAIVER OF  
81 A STATE CODE OR REGULATION, THE SECRETARY OF THE  
82 OFFICE OF POLICY AND MANAGEMENT shall, within five  
83 business days of receipt, notify the state  
84 official responsible for enforcement of the code  
85 or regulation that a provision of such code or  
86 regulation is requested to be waived. The state  
87 official or local official shall conduct a public  
88 hearing on the waiver within [ten] THIRTY calendar  
89 days of receipt of the request at a place  
90 determined by the chief executive official. Within  
91 [five] FIFTEEN business days of the conclusion of  
92 the hearing, the state official or local official  
93 shall notify, in writing, the chief executive  
94 official of his decision. The decision of the  
95 state official or local official shall be final.  
96 (c) Any abandoned or vacant property located  
97 in a neighborhood revitalization zone established  
98 pursuant to sections 7-600 to 7-602, inclusive, AS  
99 AMENDED BY THIS ACT, shall be deemed to be in  
100 continuous use for purposes of enforcement of  
101 state or local environmental, health and safety  
102 codes or regulations.

103 PD COMMITTEE VOTE: YEA 19 NAY 0 JFS

\* \* \* \* \*

"THE FOLLOWING FISCAL IMPACT STATEMENT AND BILL ANALYSIS ARE PREPARED FOR THE BENEFIT OF MEMBERS OF THE GENERAL ASSEMBLY, SOLELY FOR PURPOSES OF INFORMATION, SUMMARIZATION AND EXPLANATION AND DO NOT REPRESENT THE INTENT OF THE GENERAL ASSEMBLY OR EITHER HOUSE THEREOF FOR ANY PURPOSE."

\* \* \* \* \*

**FISCAL IMPACT STATEMENT - BILL NUMBER sSB 229**

STATE IMPACT                      None, see explanation below  
MUNICIPAL IMPACT                None, see explanation below  
STATE AGENCY(S)                Office of Policy and Management

**EXPLANATION OF ESTIMATES:**

STATE AND MUNICIPAL IMPACT: The bill makes various changes to the process through which neighborhood revitalization zone (NRZ) committees can prepare or amend strategic plans. These changes are not expected to result in any fiscal impact to the Office of Policy and Management or the NRZ committees.

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**OLR BILL ANALYSIS**

sSB 229

**AN ACT CONCERNING NEIGHBORHOOD REVITALIZATION ZONES**

**SUMMARY:** The law prescribes a process through which neighborhood revitalization zone (NRZ) committees can prepare strategic plans and seek waivers from specified state and local codes that hinder revitalization efforts. This bill changes some of the requirements governing the composition of these committees and the code waiver process. It also defines a process the committees must follow when amending strategic plans. The bill eliminates local legislative bodies' power to specify the committees' powers, which the statutes delineate.

EFFECTIVE DATE: October 1, 1998

## **FURTHER EXPLANATION**

### **NRZ Committee Membership**

The bill requires a municipality's legislative body to consider any recommendations the initial NRZ planning committee makes regarding the makeup of the successor NRZ committee. By law, the NRZ is not formed until the legislative body enacts an ordinance adopting the plan and establishing the NRZ committee.

### **Amending NRZ Plans**

The bill requires the NRZ committee to follow the same procedure for approving a plan that it follows when amending one. Current law makes no provision for amending plans. The committee must do this for any amendment that involves a concept or proposal that is not reflected in the adopted plan. That procedure requires a public hearing and an Office of Policy and Management (OPM) review before submission to the town's chief executive officer (CEO) and legislative body for approval.

The bill also requires NRZ status reports to address plan amendments. By law, NRZ committees must periodically report to the CEO and the legislative body, and OPM on the plan's implementation.

### **Requesting Code Waivers**

The bill specifies that a town can establish the process for requesting code waivers after it adopts the resolution establishing the zone. The law allows the town to request waivers from local and state environmental, health, and safety codes and regulations. The bill specifies that the request must identify the code or regulation for which the waiver is sought and recommend substitute requirements, not alternate measures as required under current law.

By law, NRZ committees must submit the request to the town's CEO, who must then send it to the appropriate local official and OPM, which sends it to the appropriate state official if the request pertains to a state code or regulation. The bill extends the time

the code official has to hold a public hearing on the request, from 10 days of receiving it to 30 days. It also extends the time he has to notify the CEO about his decision, from five to 15 business days after the hearing.

## **BACKGROUND**

### **NRZ Process**

The law allows neighborhood groups to start the planning process if the town adopts a resolution authorizing the zone's formation. The groups must form a planning committee to designate the zone's boundaries, organize the zone's residents and business owners, and develop the strategic revitalization plan. The committee must hold a public hearing on the plan, adopt it under its bylaws, and submit it to the town's legislative body. Once the legislative body approves the plan, it appoints a successor committee to implement the plan.

### **Related Bill**

SSB 380 establishes a statewide NRZ advisory council consisting of representatives of each municipality with a NRZ. It specifies the council's duties and responsibilities and authorizes grants within available appropriations for technical assistance to NRZs. The Planning and Development Committee favorably reported the bill to the floor on March 11.

## **COMMITTEE ACTION**

Planning and Development Committee

Joint Favorable Substitute  
Yea 19      Nay 0